

AO 91 (REV.5/85) Criminal Comp

AUSA LJ D. JOHNSON 353-4320

FILED

UNITED STATES DISTRICT COURT

NOV 03 2001

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

FILED

MAGISTRATE JUDGE NOLAN

MARK J. PFAFF

MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

CRIMINAL COMPLAINT

CASE NUMBER: **01CR9301**

(Name and Address of Defendant)

I, Robert A. Williams, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On November 3, 2001, in Cook County, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant did,

travel in interstate commerce from or around Philadelphia, Pennsylvania to Chicago, Illinois, with the intent and for the purpose of engaging in a sexual act, as defined by 18 U.S.C. § 2246, with a female minor who had not yet attained the age of sixteen years, in violation of 18 U.S.C. § 2243(a),

all in violation of Title 18, United States Code, Section(s) 2423(b).

I further state that I am a United States Postal Inspector and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof: X Yes No

Robert A. Williams
ROBERT A. WILLIAMS
Signature of Complainant

DOCKETED
NOV 07 2001

Sworn to before me and subscribed in my presence,

November 3, 2001
Date

at Chicago, Illinois
City and State

NAN R. NOLAN, U.S. Magistrate Judge
Name & Title of Judicial Officer

Nan R. Nolan
Signature of Judicial Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

AFFIDAVIT

I, Robert A. Williams, being duly sworn, do hereby depose and state:

1. I am a United States Postal Inspector and have been so employed since July of 1984. The information contained within this affidavit is based on my personal observations or training and information related to me by other law enforcement officers. This affidavit does not contain everything I know about this investigation or all information obtained during the course of this investigation.
2. This affidavit is made in support of a complaint charging MARK PFAFF with violating Title 18, United States Code, Section 2423(b), which states:
 - a. person who travels in interstate commerce, or conspires to do so, or a United States citizen...who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in Section 2246) with a person under the age of 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, or imprisoned not more than 10 years, or both.

Title 18, United States Code, Section 2242(b), which is part of Chapter 109A of the United States Code provides:

[w]hoever...knowingly engages in a sexual act with another person who –

- i. has attained the age of 12 years but has not attained the age of 16 years; and
- ii. is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title; imprisoned not more than 15 years, or both.

3. The following terms have the indicated meaning in this affidavit:

- a. The terms “minor” and “sexually explicit conduct” as used herein are defined as set forth in 18 USC, Section 1030(e)(1).
- b. The term “computer” as used herein is defined as set forth in 18 USC, Section 1030(e)(1).

4. Since February of 1992, I have coordinated the activities of the Northern Illinois Division’s Federal Child Exploitation Strike Force which is comprised of federal, state, county and local law enforcement officers. The purpose of the Strike Force is to identify persons seeking to sexually exploit or abuse minors. In addition to my experience, I have received extensive training in the investigation of child sexual exploitation and computer-related child sexual exploitation crimes. I have personal knowledge in the operation of a computer. Based on this training and knowledge, I know the following:

- a. The Internet is a worldwide computer network that connects computers and allows communications and the transfer of data and information across state and national boundaries.
- b. Individuals who use the Internet can communicate with each other by using electronic mail, also known and referred to herein as "email", or using instantaneous private messaging communications. Email is an electronic form of communication that can contain letter-type correspondence and graphic images. Email is similar to conventional paper-type mail in that it is addressed from one individual to another. Instantaneous communications over the Internet (Instant Messages) allow two persons to communicate with each other privately and immediately where email presents a delay in communication.
- c. An email message usually contains a header that gives the screen name, the identity of the Internet access provider, and the return address on the Internet of the individual who originated the message or graphic.
- d. America on Line (AOL), based in Dulles, Virginia, allows users to communicate and transfer files. Communications can occur privately between two users or among a group. Communications that occur privately and in real-time between two users are called Instant Messages (IM's).
- e. AOL serves customers located throughout the world. An AOL user is specifically identified by the screen name that he or she entered in connecting to AOL. A user has one master screen name for the account and can have as

many as six more screen names that can be used by the owner of the account.

AOL does not permit duplication of screen names; if a screen name is in use by one subscriber, it cannot be used by another subscriber.

5. As part of my duties, I often enter chat rooms on the Internet while posing as a minor female. Chat rooms are areas of the Internet that allow users to enter and discuss topics of mutual interest. On August 25, 2001 at approximately 9:21p.m., I was online in an America On Line chat room titled "7x8x9xgradexgrls". I was posing as a 13-year-old female. I received an unsolicited Instant Message(IM) from a person using the screen name "Mhcah". That person (now known to be MARK PFAFF) identified himself as a 42-year-old male. He described himself as being six feet two inches tall, weighing 195 pounds and he lived in Pennsylvania. He asked how tall I was and what grade in school I would be in this year. I told PFAFF that I was five feet four inches tall and would be in 8th grade. He told me that he had a good job in upper management and asked me if I was attracted to men his age. I told him that it depended on whether I liked the person.
6. PFAFF told me that he had been attracted to females my age. He told me that he had previously dated a thirteen-year-old female for approximately six months. He told me that he had sex with her and he mostly taught her how to do it. He said that he didn't get her pregnant because he had a vasectomy performed on himself. He told me that he stopped dating the female because he moved away. PFAFF asked me if I was curious about sex. I told him that I was. I told him that my mother told me about sex

and I knew how it happened. He told me that sex can be nice with a person who is safe and has had some experience with sex. PFAFF told me that he would like to teach me about sex and he had wanted to find a girl he could teach and have fun with. He asked me where I lived and I told him I lived in Chicago. He said that we could meet at a downtown hotel and get comfortable. He told me that he would show me his body then. We made arrangements to chat on the computer at a later date.

7. I had several additional computer conversations with PFAFF. These conversations often consisted of his plans to travel to Chicago to have sex with a minor female. Some examples of PFAFF'S comments are listed below:

August 29, 2001 – "...i think getting together sometime would be wonderful...we may have to plan a visit someday...i would love to teach you...i will be very loving to you...i will get a room when i visit..."

September 7, 2001 – "...i am so looking forward to being with you...i was thinking we should meet on a saturday, if you can do that...i will fly in on sat morning and then stay the night...we can have the entire afternoon...would want you to stay as long as you can...and i will do oral on you too...it makes me aroused, it really does..."

October 16, 2001 – "...i look so forward to seeing you...i can make flight arrangements early next week...i will visit again too, after the first time...i really do

want you to see me naked...and then you can touch me too...and we can kiss and get close...i want to kiss your breasts too...i will undress you, very slowly, if that is ok...i will touch you too, and show you how good it feels...i want you to have an orgasm too...

October 22, 2001 – “...can you get away?...i was thinking of how it will be to undress you...was envisioning you and i...”

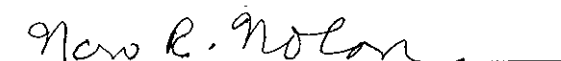
8. On October 23, 2001, Cook County Sheriff's Deputy Janet Staszal, while posing as the minor female, engaged in an undercover telephone conversation with PFAFF. In summary, Deputy Staszal and PFAFF discussed his traveling to Chicago the following week to meet with her.
9. On or about October 28, 2001, I had another computer conversation with PFAFF while I was posing as the minor female. In summary, we discussed his traveling to Chicago to meet with the minor female for a sexual encounter.
10. On or about November 3, 2001, at approximately 11:15 a.m., surveillance units of the Child Exploitation Strike Force observed a caucasian male (now known as MARK PFAFF) standing outside of the entrance to University Village Hyatt Hotel, 625 S. Ashland Avenue in Chicago, Il. Cook County Sheriff's Deputy Staszal, who was posing as the minor female, arrived at the hotel in an undercover taxicab which was being driven by a member of the Strike Force. PFAFF approached the vehicle, greeted Deputy Staszal, and paid her fare and he was taken into custody.

11. PFAFF was advised of his Miranda rights and he stated that he understood them and was willing to answer questions. He stated that approximately three months ago, he began chatting via computer with a person whom he believed to be a 13-year-old female. He stated that they discussed him traveling to Chicago to have sex with "her". He said that earlier that morning, he flew from Philadelphia, PA to Chicago and checked into the University Village Hyatt Hotel. He said that he intended to meet the "girl" and then have sex with her in his room. He stated that he planned to return to Philadelphia the next day. He admitted that he also intended to meet with the minor female in the future for additional sexual encounters.
12. Defendant admitted to having eight to ten other minor females on his "buddy list" (list of others on AOL with whom he frequently chats) and to having sexually explicit conversations with most of them.
13. Defendant admitted that he knew what he planned to do was illegal.

x 

Robert A. Williams
U.S. Postal Inspector

Sworn to in my presence
this 3rd day of November, 2001


NAN R. NOLAN
U.S. Magistrate Judge